

# Federal Defenders OF NEW YORK, INC.

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David E. Patton  
Executive Director  
and Attorney-in-Chief

August 15, 2022

## VIA EMAIL

Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2210  
New York, NY 10007

**Re: United States v. George Marcial  
22 CR 208-1 (AT)**

Dear Judge Torres:

In response to the recent violation memorandum filed in this case by Pretrial Services, I write to respectfully request a review of Mr. Marcial's bail conditions before the District Court. I have conferred with AUSA Madison Smyser regarding this request and understand the Government has no objection.

The defense understands that the Court has referred this matter to the Magistrate Judge for a bail review hearing, and defense counsel is in communication with the Government about scheduling this matter in Magistrate's Court. However, as Mr. Marcial has been at liberty in this matter for over a year with no new arrests and no missed court appearances, the defense believes he is neither a danger nor a flight risk, and his current bail conditions are unreasonably and unnecessarily restrictive under the Bail Reform Act. Accordingly, even if at a hearing before the Magistrate Judge Mr. Marcial is not detained and his current bail conditions are continued, the defense anticipates appealing those conditions to this Court. We therefore respectfully request, in the interest of judicial efficiency, that this Court conduct its own review.<sup>1</sup>

For convenience, I am attaching here the defense's letter previously submitted to Magistrate Judge Stewart D. Aaron in anticipation of Mr. Marcial's previous bail review hearing on June 30, 2022. At the upcoming hearing, the defense intends to request that the Court maintain Mr. Marcial's release and grant the following modifications to bail conditions: (a) eliminate Mr. Marcial's curfew, so that he may work nights and attend to his other affairs, and (b) permit Mr. Marcial to return to his home in the Bronx at [REDACTED] Avenue, Bronx, New York.

<sup>1</sup> At the previous bail reviewing hearing before the Magistrate Judge on June 30, 2022, the defense requested that Mr. Marcial's bail conditions be modified to eliminate his curfew. That request was denied.

In addition, Mr. Marcial acknowledges that he has struggled to abstain from illicit substances in recently months, notwithstanding his ongoing participation in methadone treatment at the Montefiore Wellness Center. Since the previous bail review hearing, he has been referred to Montefiore's "Next Steps" program for more intensive drug counseling and mental health services, and has gone through that program's intake process. Nevertheless, in light of his continued drug usage, Mr. Marcial is prepared to enter a detox program and inpatient treatment. At the upcoming bail review hearing, we will request permission for Mr. Marcial to enter such programming, which he is currently in the process of coordinating through his counselor at the Montefiore Wellness Center.

For the above reasons, the defense respectfully requests a bail review hearing before the District Court. As noted above, I have conferred with the Government, which does not object to this request.

Sincerely,

/s/ Hannah McCrea  
Hannah McCrea  
Assistant Federal Defender  
(646) 574-0351

CC: AUSA Madison Smyser  
Jonathan Lettieri, Pretrial Services

DENIED. Defendant's bail review hearing shall proceed before the Magistrate Judge.

SO ORDERED.

Dated: August 16, 2022  
New York, New York

  
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ANALISA TORRES  
United States District Judge